

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

HONORABLE JAY M. POLK

CLERK OF THE COURT
D. Kenney
Deputy

IN RE THE MARRIAGE OF
OLIVIA THERESA SEELEY

DANIEL J KAFFANA

AND

DWIGHT WESLEY SEELEY

RYAN MICHAEL REPPUCCI

ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

Courtroom 107 NE RCC

3:38 p.m. This is the time set for Return Hearing re: Respondent's Petition for Order to Appear re: Motion for Temporary Orders filed on September 28, 2012. Petitioner is present with counsel, Daniel Kaffana. Respondent is present with counsel, Ryan Reppucci.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Olivia Theresa Seeley and Dwight Wesley Seeley are sworn and testify.

After discussion, both parties advise the Court that they have reached a partial agreement as to the division of property, which is more fully set forth on the record and summarized as follows:

- Wife is awarded the Mini Cooper as her sole and separate property, subject to any liens or encumbrances thereon. Wife will attempt to refinance the vehicle and

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

remove Husband's name from the loan. No offset shall be entered with respect to the allocation of the Mini Cooper.

- Husband is awarded the 2001 BMW Z3, the 2006 Harley Road King and two guitars as his sole and separate property, subject to any liens or encumbrances thereon. No offset shall be entered with respect to the allocation of the vehicles or the two guitars.

THE COURT FINDS the settlement reached between the parties and as set forth on the record is binding upon the parties. The Court finds the agreement fair and equitable.

THE COURT FURTHER FINDS that the parties have knowingly, voluntarily and intelligently entered into the agreement. The parties have done so without duress or coercion, and they are fully informed as to the contents of this agreement.

Accordingly,

IT IS ORDERED approving the parties' agreement as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

Pursuant to matters presented,

IT IS ORDERED setting an Evidentiary Hearing re: Temporary Orders on **January 7, 2013, at 4:00 p.m.** (time allotted: 1 hour), in this Division.

Honorable Jay M. Polk
Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 107
Phoenix, AZ 85032

The parties and counsel are directed to meet and confer regarding the outstanding issues in an attempt to settle this matter.

Pursuant to Rule 16(h), Arizona Rules of Civil Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument.

JOINT PRE-HEARING STATEMENT:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to *In Re Marriage of Kells*, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).

2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

EXHIBITS:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

IT IS ORDERED that any exhibits to be used at the hearing shall be delivered to the Clerk of this Division **five (5) Court business days prior to the hearing**. The parties shall also provide the adverse party and the Court itself with a separate copy of all exhibits. Please deliver the exhibits to a division staff member to ensure that they are received by the division clerk. Please do not fax exhibits. Please do not attach the exhibits to any other document or pleading.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

SETTLEMENT:

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 5.1(c), Arizona Rules of Civil Procedure.

IT IS FURTHER ORDERED affirming the Settlement Conference set for March 12, 2013, at 1:30 p.m. before Judge *Pro Tempore* Judy Miller. Counsel and/or the parties will receive a notice from ADR setting forth the necessary settlement conference information. **Counsel and/or the parties should notify ADR (602-506-7884) if the parties reach an agreement prior to the scheduled settlement conference.**

Absent any agreement being reached at the settlement conference,

IT IS ORDERED setting a Dissolution Trial on **September 3, 2013, at 9:00 a.m.** (2 hours allowed) in this Division at:

Honorable Jay M. Polk
Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 107
Phoenix, AZ 85032

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to trial.

IT IS FURTHER ORDERED that the Joint Pretrial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to trial.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

IT IS ORDERED with regard to exhibits:

IT IS ORDERED that any exhibits to be used at the hearing shall be delivered to the Clerk of this Division **five (5) Court business days prior to the hearing**. The parties shall also

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

provide the adverse party and the Court itself with a separate copy of all exhibits. Please deliver the exhibits to a division staff member to ensure that they are received by the division clerk. Please do not fax exhibits. Please do not attach the exhibits to any other document or pleading.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing only after a signed stipulated agreement is presented to the Court.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

3:51 p.m. Matter concludes.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2012-052277

12/05/2012

All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.